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Natural Selection Foods, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATURAL SELECTION FOODS, LLC dba
EARTHBOUND FARMS,

Plaintiff/Counter-Defendant,

vs.

RIVER RANCH FRESH FOODS, LLC.,

Defendant/ Counter-Plaintiff.

Case No.: 5:07-cv-02548-HRL

**[PROPOSED] ORDER GRANTING MOTION TO
DISMISS COUNTERCLAIMS AND TO STRIKE
AFFIRMATIVE DEFENSES**

Date: Tuesday, September 11, 2007
Time: 10:00 a.m.
Location: Robert F. Peckham Federal
Building and United States
Courthouse
Courtroom 2, 5th Floor
280 South First Street
San Jose, CA 95113

This matter comes before the Court on the Motion of Natural Selection Foods, LLC ("Plaintiff/Counter-Defendant") to Dismiss Counterclaims and To Strike Affirmative Defenses brought under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(f). The Court has considered the Motion, the related papers filed by the parties, oral argument, and such other and

1 further matters as the Court deemed necessary and appropriate. Good cause appearing therefor:

2 It is hereby ORDERED that Plaintiff/Counter-Defendant's Motion is GRANTED. The
3 Counterclaims of River Ranch Fresh Foods, LLC ("River Ranch") are hereby dismissed and the
4 Affirmative Defenses are hereby struck from the Answer of River Ranch.

5
6 IT IS SO ORDERED.

7
8 Dated: _____

THE HONORABLE HOWARD R. LLOYD